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Preparatory Commission for the International Criminal Court

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Draft report of the Preparatory Commission for the International Criminal Court

Contents

Page

Introduction 2

I. Draft Basic Principles Governing a Headquarters Agreement .....

II. Draft Financial Rules .....

Annexes

I. Draft resolution of the Assembly of States Parties with regard to the Secretariat of the Assembly of States Parties .....

II. Draft resolution of the Assembly of States Parties on crediting contributions to the United Nations Trust Fund to support the Establishment of the International Criminal Court .....

III. List of documents relating to the Basic Principles Governing a Headquarters Agreement and the Financial Rules .....

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Introduction

1. The Preparatory Commission for the International Criminal Court, established in accordance with resolution F adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on 17 July 1998, continued to carry out its mandate, in accordance with resolution F of the Conference and General Assembly resolution 56/85 of 12 December 2001, to discuss ways to enhance the effectiveness and acceptance of the Court.

2. In accordance with General Assembly resolution 56/85, the Preparatory Commission met at United Nations Headquarters for its ninth session from 8 to 19 April 2002.

3. The Bureau, as elected by the Preparatory Commission at its 1st and 2nd meetings, on 16 and 22 February 1999, continued to act as the Bureau of the Commission at its ninth session. At its 34th and 37th meetings, on 8 and 19 April 2002, the Commission elected Mirza Kusljugic and ..... as Vice-Chairmen of the Commission.

4. At its fifth session, from 12 to 30 June 2000, the Preparatory Commission had adopted a report on the work of the Commission at its first to fifth sessions,[1] to which was annexed the finalized draft texts of the Rules of Procedure and Evidence (PCNICC/2000/1/Add.1) and of the Elements of Crimes (PCNICC/2000/1/Add.2).

5. At its eighth session, at the 33rd meeting, on 5 October 2001, the Preparatory Commission had adopted a further report on the work of the Commission at its sixth, seventh and eighth sessions containing, in accordance with paragraph 5 of resolution F of the Conference, the draft texts of the Relationship Agreement between the Court and the United Nations, the Financial Regulations, the Agreement on the Privileges and Immunities of the Court, and the Rules of Procedure of the Assembly of States Parties.[2] That report also contained as annexes two draft resolutions of the Assembly of States Parties, one on the establishment of the Committee on Budget and Finance, and the other on relevant criteria for voluntary contributions to the International Criminal Court.

6. At its ninth session, at the 37th meeting, on 19 April 2002, the Preparatory Commission adopted yet a further report on the work of the Commission at its ninth session, containing also in accordance with paragraph 5 of resolution F of the Conference, the draft texts of the Basic Principles Governing a Headquarters Agreement and the Financial Rules. The report also contains in annexes I and II of the present report two draft resolutions of the Assembly of States Parties, one on the Secretariat of the Assembly of States Parties, and the other on crediting contributions to the United Nations Trust Fund to support the Establishment of the International Criminal Court.

7. Also, at its 37th meeting, the Preparatory Commission agreed to include in its report the following, which was raised with respect to the report of the Working Group on the Basic Principles Governing a Headquarters Agreement to be Negotiated Between the Court and the Host Country:

- In connection with the discussions on the basic principles governing the headquarters agreement between the International Criminal Court and the Kingdom of The Netherlands, a question was raised concerning the relevant

principles to be applied to the Assembly of States Parties. However, the Working Group did not have sufficient time to consider the issue in all its aspects. The attention of the Assembly is therefore drawn to this important issue with a recommendation that the Assembly examine it.

8. At its ninth session, at the 36th meeting, on 15 April 2002, the Preparatory Committee took note of the proceedings of an inter-sessional meeting of experts held at The Hague from 11 to 15 March 2002, and recommended that the report of the meeting[3] be transmitted to the Assembly of States Parties for onward transmission to the International Criminal Court.

9. The Preparatory Commission noted with satisfaction that, during its ninth session, a total of 16 delegates had made use of the trust fund which, pursuant to paragraph 8 of General Assembly resolution 53/105, had been established to facilitate the participation of the least developed countries in the work of the Commission. The International Human Rights Law Institute of DePaul University (United States of America) provided accommodation to delegates from the least developed countries who attended the ninth session.

10. The list of documents relating to the Basic Principles Governing a Headquarters Agreement and the Financial Rules is contained in annex III to the present report.

Notes

[1] PCNICC/2000/1 and Add.1 and 2. The Preparatory Commission's first to fifth sessions were held from 16 to 26 February, 26 July to 13 August and 29 November to 17 December 1999 and from 13 to 31 March and 12 to 30 June 2000.

[2] PCNICC/2001/1 and Add.1-4. The Preparatory Commission's sixth to eighth sessions were held from 27 November to 8 December 2000, 26 February to 9 March 2001 and 24 September to 5 October 2001.

[3] See PCNICC/2002/INF/2.